



Minutes

**BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY OCTOBER 24, 2011 AT 6PM
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 S. TEXAS AVENUE**

On the 24th day of October, 2011, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Victor Drozd
Jerry Russum
Cheryl Free
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Sharon Hauke, Code Enforcement Officer
Jerry Fagan, Community Improvement Specialist
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairman Ponzio called the meeting to order at 6:04pm.

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE REGULAR MEETING ON SEPTEMBER 26, 2011 AND FROM THE WORKSHOP MEETING ON OCTOBER 10, 2011.

Commissioner Drozd moved to approve the regular meeting minutes of September 26, 2011 and the workshop meeting minutes of October 10, 2011. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed with a unanimous vote

4. OPENING STATEMENT FROM THE CHAIR.

Chairman Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).

- k. **Case # 1770 – 3301 Providence Avenue**
Owner: Blue Valley Apartments INC
SFA #9, Block 32, Lot 4.3

Mr. Martin Zimmermann, Planning Administrator, advised that ~~the City~~the City staff recommends that the Commission find the buildings on this property unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 subsections 1, 2,4 and 5. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to repair the buildings in accordance with the schedule below.

<u>Deadline</u>	<u>Task</u>
30 Days	Submit engineer's report to Chief Building Official on all porch roofs for all apartment buildings on site; a representative sample of the roofs showing deflection shall be sufficient; the report shall state whether or not porch roofs on buildings 1-18 are adequately secured and supported per minimum code requirements, and, if not, describe necessary repairs needed. Submit final engineer's report to Chief Building Official that all repairs outline in all engineer's reports have been finished and approved by engineer for all stairs, guardrails, handrails, tread, stringers, balconies, patios, columns, footings, porch roofs, and drainage at each building.

60 Days

Hire a licensed electrician to obtain electrical permit and correct/repair all hazards at exterior of all building up to current code requirements; and

Hire a licensed mechanical contractor to obtain permit and repair/correct all hazards and improper installations on mechanical equipment.

Chairman Ponzio opened the public hearing.

No one came forward.

Chairman Ponzio closed the public hearing.

Commissioner Drozd moved that the Commission find the buildings unsafe and issue an order to the owner, lien holder or mortgagee to comply with the proposed repair schedule, as recommended by ~~staff-staff~~. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- a. Case # 1732 – 229 Moss Street**
Owner: Jensen, Andrew
Yeager, Lot 15, Block 2

Mr. Zimmermann reminded that this structure was discussed at the July 25, 2011 meeting of the Building Standards Commission. The Commission allowed 90 days to repair structure. Staff recommends that the Commission issue a new order to the owner, lien holder, or mortgagee to finish repairing the building so that a Certificate of Occupancy may be issued by December 31, 2011.

Chairman Ponzio opened the public hearing

Mr. Greg Cox, Chief Building Official, stated that the Mr. Jensen, the owner has done excellent work so far.

Mr. Andrew Jensen, of 402 N Coulter, Bryan Texas, stated that he has no problem with staff's recommendation.

Chairman Ponzio closed the public hearing

Commissioner Massey moved that the Commission accept the recommendations of City staff for the owner, lien holder, or mortgagee to finish repairing the building so that a Certificate of Occupancy may be issued by December 31, 2011. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- i. Case # 1741 – 608 North Sims Avenue**
Owner: Cavitt, George
City of Bryan Townsite, Lot 6 & pt of alley, Block 164

Mr. Martin Zimmerman reminded the Commission that during its regular meeting on September 26, 2011, the Building and Standards Commission found the building on this property to be unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 2, 4, 6, 7, 8 and 9. Commissioners ordered that the building be vacated within 30 days and demolished/removed or repaired within 90 days in accordance with a specific time schedule. Mr. Zimmermann advised that this is the first regular meeting during which the property owner must demonstrate compliance with the time schedule which was included in the Commission's order on September 26, 2011. During that meeting, the property owner stated that the structure had been vacated.

Comment [MZ1]: Not necessary in this particular case

Mr. Zimmermann advised that the City's Chief Building Official believes that this property is not currently in compliance with the time schedule for repairs that the Commission ordered for this structure on September 26, 2011. The property owner's plans for repair has raised some land use/zoning issues that need to be resolved before full building permits may be issued for this project so as to avoid that building permits being issued for a land use that is not permitted at this location. In light of these new developments, the City recommends that the Commission issue the new order to the owner, lienholder, or mortgagee to comply with the new time schedule below.

<u>Deadline</u>	<u>Task</u>
By November 18, 2011	obtain demolition permit to allow licensed design professional to inspect building for structural issues and to ensure all load bearing elements are safe
By December 31, 2011 By January 13, 2012	receive all necessary zoning/land use approval from the City of Bryan obtain demolition permit, or <ol style="list-style-type: none">1. General Contractor obtain building permit2. Licensed Electrician obtain electrical permit3. Licensed Plumber obtain plumbing permit4. Licensed Mechanical contractor obtain mechanical permit5. Submit Engineer's report
By April 13, 2012	complete all request repairs, city inspections so that a Certificate of Occupancy may be issued for the entire structure

The City further recommends that the Commission order that the owner, lien holder, or mortgagee appear before the Commission at each a regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.

Chairman Ponzio opened the public hearing.

Mr. Glenn Cheeks of 2703 Briar Glen, Sugarland, Texas, architect for the ~~project, stated~~ project, stated he had no objection to the time limit presented.

Chairman Ponzio Closed the public hearing.

Commissioner Drozd moved to accept the City's recommendation that this building be repaired by the owner, lien holder, or mortgagee within the time frame given and to appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion

There was none

The motion passed unanimously.

- c. **Case # 1762 – 3308 Judythe Drive**
Owner: Nunez Joe Martin
Northwood PH8, Block 16, Lot 15

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 5, 6, 7, 8 and 9. ~~Staff recommends~~ Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Ms. Mickey Nunez of 4429 Old Hearne Road, Bryan, TX, stated that they do not have the financial means to repair the house at this time.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Russum seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- e. **Case # 1764 – 1701 Grant Street**
Owner: Morgan Muggie Olean & Shirley Lorenzo

McCulloch Addn PH 3, Block 2, Lot 1-3

Mr. Zimmermann, advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 2, 4, 5, 6, and 7. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building within 30 days. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Lorenzo Shirley of 13110 Kuykendahl #504, Houston TX, stated that he has boarded up the house, and needs more time to get a plan together

Responding ~~to a question~~ to questions from Commissioner Drozd, Mr. Shirley responded that he had no idea how much it would cost him to bring the house up to code.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- a. Case # 1765 – 1209 W Martin Luther King Jr Street**
Owner: Durens, Tommy & Shonta Shivers Durens
Jones (SFA #9), Block G, Lot 34

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 4, 5, 6, 7 and 8. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building within 30 days. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Tommy Durens of 702 Boulevard, Bryan, TX, stated that he is in the process of having the mobile home moved and showed Commissioners that he had a moving permit.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that this building is unsafe and

that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Free seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

Mr. Zimmermann, advised that there was no one in the audience to address the Commission on the remaining agenda items:

- d. Case # 1763 – 1205 Rollins Avenue**
Owner: Collins, Kimberly Dawn Etal % Golden, Evelyn
Brogdon Sub of House, Tract Adj to Lot G
- i. Case # 1768 – 602 Ash Street**
Owner: Rodriguez, Luis U
Oak Grove Park, Block 40, Lot 9-10
- l. Case # 1772 – 804 Muckleroy Street**
Owner: Ellis, Roy L Sr & Vera S
SFA #9, Block 29, Lot 2

Chairman Ponzio moved to accept the City's recommendations for agenda items 6 d., i., and l that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures thereon be secured and demolished by the owners, lien holders, or mortgagees within 30 days, or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

Mr. Zimmermann , advised that the structures on the following properties had been demolished after the certified meeting notices had been mailed out:

- b. Case # 1766 – 400 Ehlinger Drive #216**
Owner: Kozak Frank & Sharon
Mobiltown, Space 216
- c. Case # 1767 – 2707 Sundown Street**
Owner: Cunningham I C
SFA #9, Block 15, Lot 7
- j. Case # 1769 – 504 W 21st Street**
Owner: Mosley, Sam Attn: Barbara Cooper
City of Bryan Townsite, Block 182, Lot 2 & 3

Mr. Zimmermann advised that since the structures were demolished, there was no action for the Commission to take regarding these properties any longer.

7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

Mr. Zimmermann advised that the Commission's next regular meeting is scheduled for 6pm on November 28, 2011.

8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

No future agenda items were requested.

9. ADJOURN.

Without objection Chairman Ponzio adjourned the meeting at 8:00pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the **28th** day of **November, 2011**.

Jerry Ponzio, Chairperson
Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission